

REMARKS

The present amendment is in response to the Official Action dated May 16, 2005, where the Examiner rejected claims 1-24. More specifically, the Examiner rejected claim 24, under 35 USC §102(e) as being anticipated by Milman, US Patent Application Publication No. 2004/0014479; rejected claims 1-12, under 35 USC §103(a) as being unpatentable over Milman, '479, in view of Himmelstein, US Patent Application Publication No. 2004/0162064; and rejected claims 13-23, under 35 USC §103(a) as being unpatentable over Chaskar, US Patent Application Publication No. 2004/0224702, in view of Milman, '479 and Himmelstein, '064. However in reviewing the references in light of the claims, as presently pending, the references being relied upon by the Examiner fail to make known or obvious each and every feature of the claims, as well as fail to provide the proper teaching or motivation to combine, where multiple references are alleged, and therefore fail to make known or obvious the same. Namely, the references relied upon by the Examiner fail to make known or obvious at least establishing a second communication connection, the second communication connection being between the user communication device and the service provider, where the service transaction is completed via the second communication connection upon rendering of the service by the service provider (claim 1); a transceiver being operable to establish ... a second communication connection with a service provider ..., which is dispatched to the user responsive to the service request and the location information" (claims 13); as well as an apparatus associated with a user having means for directly communicating service transaction data with a service provider dispatched to the user (claim 24). The applicant has further amended claim 24 to make the same even more clear.

In rejecting claim 24, the Examiner has relied upon Milman, '479, but Milman fails to teach or suggest any direct communication between an apparatus associated with a user and the service provider dispatched to the user, where all transactional interaction associated with the service provider is entered directly into the technician hand held communication device 26 or the communication device in the technician's vehicle. This is contrary to claim 24, which as presently amended, involves a communication between the apparatus associated with a user (of the service) and the service provider dispatched to the user responsive to the service request.

In rejecting claim 1, the Examiner has relied upon Milman, '479, in combination with Himmelstein, '064. The Examiner has correctly identified that Milman, '479, minimally fails to make known establishing a second communication connection, the second communication

connection being between the user communication device and the service provider. However contrary to the Examiner's assertion Himmelstein, '064, fails to account for the noted deficiency. Alternatively, Himmelstein, '064, is directed to a form of mobile to mobile communication, but neither of the mobiles in Himmelstein is identified as being a service provider that is responding to a request for service from the other mobile unit. Furthermore Himmelstein, '064, fails to identify the communication in the form of a mobile to mobile communication as providing for the completion of a service transaction upon the rendering of the service by the service provider. Still further, Milman, '479, contrary to the Examiner's assertion fails to make known completing a service transaction via a second communication connection, established between the user communication device and the service provider. As a result, the Examiner has attempted to combine disparate teachings in a piece meal fashion without regard to contextual consistency and/or without providing a teaching or motivation to combine the same.

A similar problem arises in the attempted rejection of claim 13, where the Examiner has further grouped a still further reference, namely Chaskar, '702, which has been treated as the principal reference, which is largely relied upon to provide the specific teaching relative to a processor, a user interface and a transceiver. Milman, '479, is then relied upon relative to an interaction between the user device and a service provider agent (first communication connection), and Himmelstein, '064, is relied upon relative to an interaction between the user device and dispatched service provider, in a manner which is consistent with the Examiner's attempt to similarly apply the two references to claim 1. However, the deficiencies noted above with respect to the attempted rejection of claim 1, are similarly applicable to claim 13, even after the teachings of the further reference Chaskar, '702, are accounted for. Consequently, for the same reasons noted above with respect to claim 1, Milman, '479, in view of Himmelstein, '064, fail to make known or obvious the respective corresponding features relative to claim 13.

In absence of a combination of references, that makes known each and every feature of the independent claims, and/or fails to provide the requisite teaching and/or motivation for combining the same, where multiple references have been relied upon, the Examiner has failed to properly present a prima facie showing of anticipation or obviousness, and therefore has not supported a proper rejection of the claims. As such, the applicant would suggest that the withdrawal of the rejection is appropriate, and correspondingly the applicant would respectfully request that the Examiner reconsider the rejection. Furthermore, to the extent that the

corresponding dependent claims incorporate additional features, which would only serve to further distinguish the claims from the presently relied upon references, withdrawal of the rejection relative to the corresponding dependent claims would similarly be appropriate.

In view of the present amendments, and the above noted remarks, the applicant would respectfully request that the Examiner reexamine and similarly reconsider the claims. In absence of a properly presented rejection, allowance of the application is respectfully requested.

Respectfully submitted,

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